

REMARKS

Section 112 Rejections

Claims 4, 8, 15 and 17 are rejected under 35 U.S.C. Section 112, second paragraph as being lacking enablement with regard to the prevention of bone diseases. This ground of rejection is respectfully traversed in view of the foregoing amendments to the claims. Claims 4 and 8 have been amended to remove the language “or preventing” and “preventing or”, respectively. Claims 15 17 have been canceled. These amendments are believed to address the Section 112, second paragraph, rejections and it is respectfully requested that the same be reconsidered and withdrawn.

Claim 15 was also rejected under the second paragraph of Section 112 as being indefinite. Claim 15 has been canceled, rendering this ground of rejection moot.

Section 102 Rejections

Claims 3, 4, 7, 8 and 17 are rejected under 35 U.S.C. Section 102(a) as being anticipated by Applicant’s acknowledgement at page 3 of the specification, lines 10-26. Claim 17 has been canceled. This ground of rejection is respectfully traversed.

Claims 4 and 8 have been amended to recite that the β -cryptoxanthin is in purified form. This amendment is supported by the specification, for example at Paragraph [0036] which recites that a β -cryptoxanthin composition for use in the present invention has an artificially increased level of β -cryptoxanthin, for example by purifying β -cryptoxanthin extracted from natural sources. Reconsideration and withdrawal of the Section 102 rejection is respectfully requested.

Accordingly, the purpose of the claimed invention is not taught nor suggested by the cited references, nor is there any suggestion or teaching which would lead one skilled in the relevant art to combine the references in a manner which would meet the purpose of the claimed invention. Because the cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention, Applicant respectfully submits that the claimed invention, as amended, patentably distinguishes over the prior art, including the art cited merely of record.

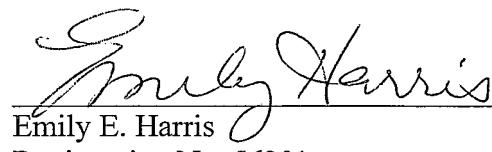
Based on the foregoing, Applicant respectfully submits that its claims 1, 3, 4, 7 and 8 are in condition for allowance at this time, patentably distinguishing over the cited prior art.

Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss any remaining issues that may exist or arise.

Respectfully submitted,

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